

2011 DRAFTING REQUEST

Senate Resolution

Received: 02/22/2011

Received By: jkreye

Wanted: Today

Companion to LRB:

For: Scott Fitzgerald (608) 266-5660

By/Representing: rob

May Contact:

Drafter: jkreye

Subject: Legislature - rules

Addl. Drafters: rchampag

Extra Copies:

Submit via email: YES

Requester's email: Sen.Fitzgerald@legis.wisconsin.gov

Carbon copy (CC:) to: joseph.kreye@legis.wisconsin.gov
rick.champagne@legis.wisconsin.gov
David.Lovell@legis.wisconsin.gov
laura.rose@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Penalties for senators who are absent without leave

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	jkreye 02/22/2011	jdyer 02/22/2011	phenry 02/22/2011	_____	mbarman 02/22/2011		
/P2	jkreye 02/22/2011	jdyer 02/22/2011	jfrantze 02/22/2011	_____	sbasford 02/22/2011		
/P3	jkreye	jdyer	phenry	_____	lparisi		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	02/22/2011	02/22/2011	02/22/2011	_____	02/22/2011		
/1	jkreye 02/22/2011	jdyer 02/22/2011	phenry 02/22/2011	_____ _____	lparisi 02/22/2011		
/2	jkreye 02/22/2011 rchampag 02/22/2011	csicilia 02/22/2011	mduchek 02/22/2011	_____ _____ _____	lparisi 02/22/2011		
/3	rchampag 02/22/2011	csicilia 02/22/2011	mduchek 02/22/2011	_____ _____	lparisi 02/22/2011	mbarman 02/23/2011	

FE Sent For: **NONE**

<END>

2011 DRAFTING REQUEST

Senate Resolution

Received: **02/22/2011**

Received By: **jkreye**

Wanted: **Today**

Companion to LRB:

For: **Scott Fitzgerald (608) 266-5660**

By/Representing: **rob**

May Contact:

Drafter: **jkreye**

Subject: **Legislature - rules**

Addl. Drafters: **rchampag**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Fitzgerald@legis.wisconsin.gov**

Carbon copy (CC:) to: **joseph.kreye@legis.wisconsin.gov**
rick.champagne@legis.wisconsin.gov
David.Lovell@legis.wisconsin.gov
laura.rose@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Penalties for senators who are absent without leave

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	jkreye 02/22/2011	jdyer 02/22/2011	phenry 02/22/2011	_____	mbarman 02/22/2011		
/P2	jkreye 02/22/2011	jdyer 02/22/2011	jfrantze 02/22/2011	_____	sbasford 02/22/2011		
/P3	jkreye	jdyer	phenry	_____	lparisi		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	02/22/2011	02/22/2011	02/22/2011	_____	02/22/2011		
/1	jkreye 02/22/2011	jdyer 02/22/2011	phenry 02/22/2011	_____ _____	lparisi 02/22/2011		
/2	jkreye 02/22/2011 rchampag 02/22/2011	csicilia 02/22/2011	mduchek 02/22/2011	_____ _____ _____	lparisi 02/22/2011		
/3	rchampag 02/22/2011	csicilia 02/22/2011	mduchek 02/22/2011	_____ _____	lparisi 02/22/2011		

FE Sent For:

<END>

2011 DRAFTING REQUEST

Senate Resolution

Received: **02/22/2011**

Received By: **jkreye**

Wanted: **Today**

Companion to LRB:

For: **Scott Fitzgerald (608) 266-5660**

By/Representing: **rob**

May Contact:

Drafter: **jkreye**

Subject: **Legislature - rules**

Adl. Drafters: **rchampag**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Fitzgerald@legis.wisconsin.gov**

Carbon copy (CC:) to: **joseph.kreye@legis.wisconsin.gov**
rick.champagne@legis.wisconsin.gov
David.Lovell@legis.wisconsin.gov
laura.rose@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Penalties for senators who are absent without leave

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	jkreye 02/22/2011	jdyer 02/22/2011	phenry 02/22/2011	_____	mbarman 02/22/2011		
/P2	jkreye 02/22/2011	jdyer 02/22/2011	jfrantze 02/22/2011	_____	sbasford 02/22/2011		
/P3	jkreye	jdyer	phenry	_____	lparisi		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	02/22/2011	02/22/2011	02/22/2011	_____	02/22/2011		
/1	jkreye 02/22/2011	jdyer 02/22/2011	phenry 02/22/2011	_____ _____	lparisi 02/22/2011		
/2	jkreye 02/22/2011 rchampag 02/22/2011	csicilia 02/22/2011	mduchek 02/22/2011	_____ _____ _____ _____	lparisi 02/22/2011		

FE Sent For:

13 yrs 2/22/11
11
(N)
<END>

2011 DRAFTING REQUEST

Senate Resolution

Received: 02/22/2011

Received By: jkreye

Wanted: Today

Companion to LRB:

For: Scott Fitzgerald (608) 266-5660

By/Representing: rob

May Contact:

Drafter: jkreye

Subject: Legislature - rules

Adl. Drafters: rchampag

Extra Copies:

Submit via email: YES

Requester's email: Sen.Fitzgerald@legis.wisconsin.gov

Carbon copy (CC:) to: joseph.kreye@legis.wisconsin.gov
rick.champagne@legis.wisconsin.gov
David.Lovell@legis.wisconsin.gov
laura.rose@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Penalties for senators who are absent without leave

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	jkreye 02/22/2011	jdyer 02/22/2011	phenry 02/22/2011	_____	mbarman 02/22/2011		
/P2	jkreye 02/22/2011	jdyer 02/22/2011	jfrantze 02/22/2011	_____	sbasford 02/22/2011		
/P3	jkreye	jdyer	phenry	_____	lparisi		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	02/22/2011	02/22/2011	02/22/2011	_____	02/22/2011		
/1	jkreye 02/22/2011	jdyer 02/22/2011	phenry 02/22/2011	_____	lparisi 02/22/2011		

FE Sent For:

2 1/2
gs 2/22
11
2/22
100
<END>

2011 DRAFTING REQUEST

Senate Resolution

Received: **02/22/2011**

Received By: **jkreye**

Wanted: **Today**

Companion to LRB:

For: **Scott Fitzgerald (608) 266-5660**

By/Representing: **rob**

May Contact:

Drafter: **jkreye**

Subject: **Legislature - rules**

Addl. Drafters: **rchampag**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Fitzgerald@legis.wisconsin.gov**

Carbon copy (CC:) to: **joseph.kreye@legis.wisconsin.gov**
rick.champagne@legis.wisconsin.gov
David.Lovell@legis.wisconsin.gov
laura.rose@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Penalties for senators who are absent without leave

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	jkreye 02/22/2011	jdyer 02/22/2011	phenry 02/22/2011	_____	mbarman 02/22/2011		
/P2	jkreye 02/22/2011	jdyer 02/22/2011	jfrantze 02/22/2011	_____	sbasford 02/22/2011		
/P3	jkreye	jdyer	phenry	_____	lparisi		

Handwritten signatures and initials:
A large signature, possibly "A. Zajda", is written over the bottom of the table.
Other initials and signatures are present in the "Proofed" and "Submitted" columns, including "J. Frantze" and "S. Basford".

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	02/22/2011	02/22/2011	02/22/2011	_____	02/22/2011		

FE Sent For:

<END>

2011 DRAFTING REQUEST

Senate Resolution

Received: **02/22/2011**

Received By: **jkreye**

Wanted: **Today**

Companion to LRB:

For: **Scott Fitzgerald (608) 266-5660**

By/Representing: **rob**

May Contact:

Drafter: **jkreye**

Subject: **Legislature - rules**

Addl. Drafters: **rchampag**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Fitzgerald@legis.wisconsin.gov**

Carbon copy (CC:) to: **joseph.kreye@legis.wisconsin.gov**
rick.champagne@legis.wisconsin.gov
David.Lovell@legis.wisconsin.gov
laura.rose@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Penalties for senators who are absent without leave

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	jkreye 02/22/2011	jdyer 02/22/2011	phenry 02/22/2011	_____	mbarman 02/22/2011		
/P2	jkreye 02/22/2011	jdyer 02/22/2011	jfrantze 02/22/2011	<i>[Signature]</i>	sbasford 02/22/2011		

1/23 2/22 ju jfrantze phenry ph/m

FE Sent For:

<END>

2011 DRAFTING REQUEST

Senate Resolution

Received: **02/22/2011**

Received By: **jkreye**

Wanted: **Today**

Companion to LRB:

For: **Scott Fitzgerald (608) 266-5660**

By/Representing: **rob**

May Contact:

Drafter: **jkreye**

Subject: **Legislature - rules**

Addl. Drafters: **rchampag**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Fitzgerald@legis.wisconsin.gov**

Carbon copy (CC:) to: **joseph.kreye@legis.wisconsin.gov**
rick.champagne@legis.wisconsin.gov
David.Lovell@legis.wisconsin.gov
laura.rose@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Penalties for senators who are absent without leave

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	jkreye 02/22/2011	jdyer 02/22/2011	phenry 02/22/2011	_____	mbarman 02/22/2011		

FE Sent For:

P2 2/22 jld
md 2/22
<END>

2011 DRAFTING REQUEST

Senate Resolution

Received: 02/22/2011

Received By: jkreye

Wanted: Today

Companion to LRB:

For: Scott Fitzgerald (608) 266-5660

By/Representing: rob

May Contact:

Drafter: jkreye

Subject: Legislature - rules

Adl. Drafters: rchampag

Extra Copies:

Submit via email: YES

Requester's email: Sen.Fitzgerald@legis.wisconsin.gov

Carbon copy (CC:) to: joseph.kreye@legis.wisconsin.gov
rick.champagne@legis.wisconsin.gov
David.Lovell@legis.wisconsin.gov
laura.rose@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Penalties for senators who are absent without leave

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	jkreye	1 2/22 jld		_____			

FE Sent For:

<END>

Kreye, Joseph

From: Champagne, Rick
Sent: Monday, February 21, 2011 3:59 PM
To: Kreye, Joseph
Subject: FW:

Attachments: PENALTIES FOR FAILURE OF A SENATOR TO ATTEND.doc

From: Lovell, David
Sent: Monday, February 21, 2011 3:28 PM
To: Richard, Rob
Cc: Rose, Laura; Anderson, Terry C.; Karls-Ruplinger, Jessica; Konopacki, Larry; Sappenfield, Anne; Hogan, John; Champagne, Rick
Subject: RE:

SR

Rob,

Here is the promised outline. In addition to sharing it with the team in our office looking at this, I am sharing it with Rick Champagne on the theory that he may have to draft something based on it and, if he sees problems, he can raise them earlier, rather than later.

I am leaving the office at about 4:15, but will be accessible by cell phone until about 4:45 and after 6:30; that number is 852-7581.

Until 5, or even a little later, you can call Laura or Anne Sappenfield over here, also.

David



PENALTIES FOR
FAILURE OF A SEN.

David L. Lovell, Senior Analyst
Wisconsin Legislative Council Staff
608/266-1537

From: Rose, Laura
Sent: Monday, February 21, 2011 3:03 PM
To: Richard, Rob
Cc: Lovell, David
Subject: RE:

Rob,

David Lovell is drafting an outline sketching out notice and deliberation processes for imposing penalties. We are working off the Texas penalties. Let us know if there are others you want to include.

Let us know how to proceed once you get the outline. Do you want us to speak with Rick Champagne to get this drafted?

If you impose penalties through the internal tools you have, we don't think this would be considered a reduction in the legislator's compensation unless it is taken directly from their paycheck. There are other means of collecting monetary penalties. However, we doubt that a civil court would or could enforce a legislatively-imposed penalty.

With regard to the compelling attendance issue, the Senate could probably adopt a resolution authorizing the Senate sergeant to request the aid of state troopers to compel the absent legislators' attendance. It would be a good idea to include in such a resolution some findings that state that this compelling of attendance is being done pursuant to art IV, s. 7; and that it is not an arrest or civil process under art. IV, s. 15.

I'm at my desk until 4:00, and then am going to a meeting. If you can't reach me, please call David Lovell.

Thanks,

Laura

Laura D. Rose, Deputy Director
Wisconsin Legislative Council
One East Main Street, Suite 401
PO Box 2536
Madison, WI 53701-2536
tel: 608.266.9791
fax: 608.266.3830
laura.rose@legis.wisconsin.gov

From: Richard, Rob
Sent: Monday, February 21, 2011 1:57 PM
To: Rose, Laura
Subject: RE:

Ok, thanks.

Rob Richard
Legislative Aide
Office of Senator Scott Fitzgerald
Senate Majority Leader
608-266-5660

From: Rose, Laura
Sent: Monday, February 21, 2011 1:36 PM
To: Richard, Rob
Subject: RE:

Yes, we are meeting right now, and I will get back to you shortly.

Laura

Laura D. Rose, Deputy Director
Wisconsin Legislative Council
One East Main Street, Suite 401
PO Box 2536
Madison, WI 53701-2536
tel: 608.266.9791
fax: 608.266.3830
laura.rose@legis.wisconsin.gov

From: Richard, Rob
Sent: Monday, February 21, 2011 1:33 PM
To: Rose, Laura
Subject:

Are you finding out anything more concretely with regard to establishing a fine for legislators?

Rob Richard
Legislative Aide
Office of Senator Scott Fitzgerald
Senate Majority Leader
608-266-5660

IMPOSITION OF MONETARY PENALTIES ON SENATORS ABSENT FROM THE
SENATE WITHOUT LEAVE OF THE SENATE

- A. Penalty. A senator absent from the Senate without the leave of the Senate shall:
1. Forfeit to the Senate \$_____ for each [entire] day of absence without leave.
 2. Reimburse to the Senate the actual costs incurred in compelling the attendance of the senator. [Note: While not directly related to imposition of a monetary penalty, this is a common element of other state legislatures' rules.]
- B. Process.
1. Initiation. Imposition of the penalty and costs under A. is by a Senate Resolution, which shall be privileged, introduced by [Senate Org.][the President][any senator] [within one [week][month] of the unexcused absence][at any time during the legislative session in which the unexcused absence occurs].
 2. Notice. Publication of a Senate calendar that includes the resolution serves as notice to the senator in question that the senator is possibly subject to the penalty. Additional notice could be provided by requiring that the Sgt. staff deliver to the Capitol office of the senator:
 - a. A copy of the calendar.
 - b. A copy of the resolution.
 3. Opportunity to be Heard. The senator's opportunity to be heard in his or her defense is that the senator is present in the Senate when the resolution is debated and voted on. Failure of the senator to attend the session is forfeiture of the opportunity to be heard.
- C. Collection. If the penalty and costs under A. remain unpaid within ____ days, the Senate Chief Clerk shall withhold any payments due the senator for *per diem*, travel expenses, or other matters, but not including salary, in an amount up to the amount of any unpaid penalty and costs.

Kreye, Joseph

From: Richard, Rob
Sent: Tuesday, February 22, 2011 9:57 AM
To: Kreye, Joseph
Subject: FW:

Joe:
Stick with David's plan of taking the penalty out of their per diem, travel expenses, etc. Give them 30 days to pay the fine or it comes out of per diem....
Thanks.

Rob Richard
Legislative Aide
Office of Senator Scott Fitzgerald
Senate Majority Leader
608-266-5660

From: Lovell, David
Sent: Tuesday, February 22, 2011 9:48 AM
To: Richard, Rob
Subject: RE:

Rob,

The Constitution does not allow the compensation of public officials to be changed during their terms of office:

Article IV, Section 26. Extra compensation; salary change.

(2) Except as provided in this subsection, the compensation of a public officer may not be increased or diminished during the term of office:

The exceptions are not applicable here.

I don't know if deducting a penalty from a public official's pay constitutes diminishing his or her compensation -- others copied on this message may have thoughts on that -- but it looks a lot like it, and I would recommend avoiding that approach if there is an alternative. This is why I suggested deducting any unpaid penalty from *per diems* and any reimbursement of expenses due to a senator.

David

David L. Lovell, Senior Analyst
Wisconsin Legislative Council Staff
608/266-1537

From: Richard, Rob

2/22/2011

Sent: Tuesday, February 22, 2011 9:21 AM
To: Kreye, Joseph; Lovell, David; Rose, Laura
Cc: Anderson, Terry C.; Karls-Ruplinger, Jessica; Konopacki, Larry; Sappenfield, Anne; Hogan, John; Champagne, Rick
Subject: RE:

Can we legally deduct the penalty from a senator's paycheck?

Joe, Fitz now wants to make the penalty \$100 per day. No doubling or anything. Just \$100 per day for every day they are absent.

Rob Richard

Legislative Aide
Office of Senator Scott Fitzgerald
Senate Majority Leader
608-266-5660

From: Kreye, Joseph
Sent: Tuesday, February 22, 2011 9:02 AM
To: Richard, Rob; Lovell, David; Rose, Laura
Cc: Anderson, Terry C.; Karls-Ruplinger, Jessica; Konopacki, Larry; Sappenfield, Anne; Hogan, John; Champagne, Rick
Subject: RE:

Thanks all. I'll let you know if I have questions, because it should be fairly straightforward.

Joe

Joseph Kreye
Senior Legislative Attorney
Legislative Reference Bureau
608 266-2263

From: Richard, Rob
Sent: Monday, February 21, 2011 8:55 PM
To: Lovell, David; Rose, Laura
Cc: Anderson, Terry C.; Karls-Ruplinger, Jessica; Konopacki, Larry; Sappenfield, Anne; Hogan, John; Champagne, Rick; Kreye, Joseph
Subject: RE:

Agreed. Joe should take whatever latitude he needs and we'll go from there.

Sent via DROID on Verizon Wireless

-----Original message-----
From: "Lovell, David" <David.Lovell@legis.wisconsin.gov>
To: "Rose, Laura" <Laura.Rose@legis.wisconsin.gov>, "Richard, Rob" <Rob.Richard@legis.wisconsin.gov>
Cc: "Anderson, Terry C." <Terry.Anderson@legis.wisconsin.gov>, "Karls-Ruplinger, Jessica" <Jessica.Karls@legis.wisconsin.gov>, "Konopacki, Larry" <Larry.Konopacki@legis.wisconsin.gov>, "Sappenfield, Anne" <Anne.Sappenfield@legis.wisconsin.gov>, "Hogan, John"

2/22/2011

<John.Hogan@legis.wisconsin.gov>, "Champagne, Rick"
<Rick.Champagne@legis.wisconsin.gov>, "Kreye, Joseph" <Joseph.Kreye@legis.wisconsin.gov>
Sent: Tue, Feb 22, 2011 02:18:10 GMT+00:00
Subject: RE:

Rob,

I agree with all of the above -- it should be workable.

One thing I would suggest is to not become too wedded to specific language, but to give the drafter latitude where possible. I know Joe will accommodate your wording preferences to the extent possible, but may have good reasons for deviating at times. In particular, I would leave the organization of the rule to him. What I wrote was intended not as draft language but an outline to convey the ideas to you and, ultimately, to the drafter.

Laura is in the office now (8 p.m. on Monday) and can reach me if needed; otherwise, I will be available in the office in the morning.

David

-----Original Message-----

From: Rose, Laura

Sent: Mon 2/21/2011 7:26 PM

To: Richard, Rob; Lovell, David

Cc: Anderson, Terry C.; Karls-Ruplinger, Jessica; Konopacki, Larry; Sappenfield, Anne; Hogan, John; Champagne, Rick; Kreye, Joseph

Subject: RE:

Hi Rob

I think you are right, that it makes sense to put items a through d under "Collections". David is teaching a class but I should be able to talk to him within the next half hour or so.

I will also give Joe a call.

Thanks,

Laura

Laura D. Rose, Deputy Director
Wisconsin Legislative Council
One East Main Street, Suite 401
PO Box 2536
Madison, WI 53701-2536
tel: 608.266.9791
fax: 608.266.3830
laura.rose@legis.wisconsin.gov

2/22/2011

From: Richard, Rob
Sent: Monday, February 21, 2011 6:41 PM
To: Lovell, David
Cc: Rose, Laura; Anderson, Terry C.; Karls-Ruplinger, Jessica; Konopacki, Larry; Sappenfield, Anne; Hogan, John; Champagne, Rick; Kreye, Joseph

Subject: RE:

David:

I like the way this is laid out. I'd like section A to look something like this:

A. Penalty.

1) A senator absent from the Senate without leave of the Senate for two or more session days shall:

a) Forfeit to the Senate \$1,000 per day, doubling each day, not to exceed \$5,000 per day; for each day of absence without leave. Penalties shall be paid exclusively out of each Senator's personal funds.

b) Reimburse to the Senate the actual costs incurred in compelling the attendance of the senator. Actual costs shall be calculated by the chief clerk and submitted to the President.

2) When a member is absent without leave of the Senate, the Majority Leader may do any of the following to compel the absent member to attend:

a) Direct the chief clerk to terminate the direct deposit of the absent member's paycheck and provide the paycheck to the Majority Leader for the absent member to pick up in person.

b) Direct the chief clerk to cease any and all expense reimbursements for the absent member that are paid out the senator's office expense account until a date specified or the end of the legislative biennium, whichever is earlier.

c) Direct the chief clerk to reduce or zero out the balance of the absent member's office expense account for the remainder of the legislative biennium.

d) Direct the sergeant-at-arms to revoke the parking privileges allocated to the absent member, and the member's staff, for the remainder of the legislative biennium.

Now that I have this written out, the question might be whether the section I created under "2) a thru d" should go under "Collection"? Please offer input.

Under "Process", please have it read that "any senator can introduce a resolution at any time during the legislative session in which the unexcused absence occurs".

Also, at the same time we are working on these rules changes, I need resolutions drafted for each senator without leave ready to go by Thursday. Unless you think otherwise, there should be one resolution for each senator.

Joe and Rick, please have a draft ready for us to look at as soon as possible. I want us to have the ability to review it tomorrow at some point (later in the day if it must) and ready for introduction on Wednesday.

Thank you all! I can be reached at 608-347-9388 with questions. I also have access to my work e-mail via Droid so feel free to communicate with me that way as well.

Rob Richard
Legislative Aide

2/22/2011

Office of Senator Scott Fitzgerald
Senate Majority Leader
608-266-5660

From: Lovell, David
Sent: Monday, February 21, 2011 3:28 PM
To: Richard, Rob
Cc: Rose, Laura; Anderson, Terry C.; Karls-Ruplinger, Jessica; Konopacki, Larry; Sappenfield, Anne; Hogan, John; Champagne, Rick
Subject: RE:

Rob,

Here is the promised outline. In addition to sharing it with the team in our office looking at this, I am sharing it with Rick Champagne on the theory that he may have to draft something based on it and, if he sees problems, he can raise them earlier, rather than later.

I am leaving the office at about 4:15, but will be accessible by cell phone until about 4:45 and after 6:30; that number is 852-7581.

Until 5, or even a little later, you can call Laura or Anne Sappenfield over here, also.

David

<< File: PENALTIES FOR FAILURE OF A SENATOR TO ATTEND.doc >>

David L. Lovell, Senior Analyst
Wisconsin Legislative Council Staff
608/266-1537

From: Rose, Laura
Sent: Monday, February 21, 2011 3:03 PM
To: Richard, Rob
Cc: Lovell, David
Subject: RE:

Rob,

David Lovell is drafting an outline sketching out notice and deliberation processes for imposing penalties. We are working off the Texas penalties. Let us know if there are others you want to include.

Let us know how to proceed once you get the outline. Do you want us to speak with Rick Champagne to get this drafted?

If you impose penalties through the internal tools you have, we don't think this would be considered a reduction in the

2/22/2011

legislator's compensation unless it is taken directly from their paycheck. There are other means of collecting monetary penalties. However, we doubt that a civil court would or could enforce a legislatively-imposed penalty.

With regard to the compelling attendance issue, the Senate could probably adopt a resolution authorizing the Senate sergeant to request the aid of state troopers to compel the absent legislators' attendance. It would be a good idea to include in such a resolution some findings that state that this compelling of attendance is being done pursuant to art IV, s. 7; and that it is not an arrest or civil process under art. IV, s. 15.

I'm at my desk until 4:00, and then am going to a meeting. If you can't reach me, please call David Lovell.

Thanks,

Laura

Laura D. Rose, Deputy Director
Wisconsin Legislative Council
One East Main Street, Suite 401
PO Box 2536
Madison, WI 53701-2536
tel: 608.266.9791
fax: 608.266.3830
laura.rose@legis.wisconsin.gov

From: Richard, Rob
Sent: Monday, February 21, 2011 1:57 PM
To: Rose, Laura
Subject: RE:

Ok, thanks.

Rob Richard
Legislative Aide
Office of Senator Scott Fitzgerald
Senate Majority Leader
608-266-5660

From: Rose, Laura
Sent: Monday, February 21, 2011 1:36 PM
To: Richard, Rob
Subject: RE:

Yes, we are meeting right now, and I will get back to you shortly.

Laura

2/22/2011

Laura D. Rose, Deputy Director
Wisconsin Legislative Council
One East Main Street, Suite 401
PO Box 2536
Madison, WI 53701-2536
tel: 608.266.9791
fax: 608.266.3830
laura.rose@legis.wisconsin.gov

From: Richard, Rob
Sent: Monday, February 21, 2011 1:33 PM
To: Rose, Laura
Subject:

Are you finding out anything more concretely with regard to establishing a fine for legislators?

Rob Richard
Legislative Aide
Office of Senator Scott Fitzgerald
Senate Majority Leader
608-266-5660



Kreye, Joseph

From: Richard, Rob
Sent: Tuesday, February 22, 2011 9:51 AM
To: Kreye, Joseph
Subject: Rules Changes

Joe:

In addition to the rule changes you're currently working on, please add this provision at the end of Senate Rule 84 -

“In exercising his responsibilities under this rule, the Sergeant-at-Arms may request the assistance of any law enforcement officer in the state.”

Thanks,

Rob Richard

Legislative Aide
Office of Senator Scott Fitzgerald
Senate Majority Leader
608-266-5660



JLd

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
2011 SENATE RESOLUTION

in 2-22

NOU

Gen

1 **Relating to:** imposing a penalty on a senator who is absent without leave. ✓

Analysis by the Legislative Reference Bureau

Under this resolution, a senator who is absent without leave from two or more session days is subject to a penalty equal to \$100 for each day that the senator is absent without leave. In addition, the senator must reimburse the senate for the actual costs incurred to compel his or her attendance. The penalties and costs are imposed by adopting a privileged resolution that identifies the senator who has been absent without leave. A senator who is subject to the penalties and costs imposed by the resolution may only be heard on the matter on the session day on which the resolution is before the senate. If a senator who owes the penalties and costs has not paid the penalties and costs in full within 30 days after the resolution is adopted, the chief clerk will withhold from any payments due to the senator for per diem, travel expenses, or other ~~matter~~ ^{not including salary}, the amount of any unpaid penalties and costs.

*

The resolution also allows the sergeant at arms to request the assistance of any law enforcement officer in this state to find and return any senator who is absent without leave.

2 **Resolved by the senate, That:** ✓

3 **SECTION 1.** Senate rule 13n ^{is} created to read:

1 SENATE RULE 13n. **Imposing penalties on senators who are absent**
2 **without leave.** (1) PENALTY. A member of the senate who is absent from ²two or more
3 session days without obtaining a leave of absence under rule 16 shall do all of the
4 following:

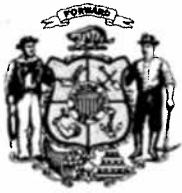
5 (a) Forfeit to the senate \$100 for each day that the member is absent without
6 leave.

7 (b) Reimburse to the senate the actual costs incurred in compelling the
8 attendance of the member. The chief clerk shall calculate the costs and submit the
9 result to the president.

10 (2) PROCESS. (a) The penalties and costs under sub. (1) are imposed by a senate
11 resolution that identifies the member who is absent without leave. A resolution
12 under this paragraph is a privileged resolution and may be offered by any member
13 of the senate at any time during the legislative session in which the absence without
14 leave occurs.

15 (b) Publication of a senate calendar that includes the resolution serves as notice
16 to the member who is absent without leave that the member is subject to the
17 penalties and costs under sub. (1). The president may provide additional notice to
18 the member who is absent without leave by requiring the sergeant at arms to deliver
19 a copy of both the calendar and the resolution to the senate office of the member who
20 is absent without leave.

21 (c) A member of the senate who is identified in a resolution under this
22 subsection shall be given an opportunity to be heard on the resolution only on the
23 session day on which the resolution is before the senate. If the member is absent on
24 that day, the member waives his or her opportunity to be heard on the resolution.



12

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
2011 SENATE RESOLUTION

in tier 2-22

NOW

Regen

- 1 **To amend** senate rule 84; and **to create** senate rule 13n; **relating to:** imposing a
- 2 penalty on a senator who is absent without leave.

Analysis by the Legislative Reference Bureau

Under this resolution, a senator who is absent without leave from two or more session days is subject to a penalty equal to \$100 for each day that the senator is absent without leave. In addition, the senator must reimburse the senate for the actual costs incurred to compel his or her attendance. The penalties and costs are imposed by adopting a privileged resolution that identifies the senator who has been absent without leave. A senator who is subject to the penalties and costs imposed by the resolution may only be heard on the matter on the session day on which the resolution is before the senate. If a senator who owes the penalties and costs has not paid the penalties and costs in full within 30 days after the resolution is adopted, the chief clerk will withhold from any payments due to the senator for per diem, travel expenses, or other matters, not including salary, the amount of any unpaid penalties and costs.)

The resolution also allows the sergeant at arms to request the assistance of any law enforcement officer in this state to find and return any senator who is absent without leave.

3 ***Resolved by the senate, That:***

move

NO A (The senate majority leader may also take certain measures to compel the attendance of any senator who is absent without leave. ✓)

measures

1 **SECTION 1.** Senate rule 13n is created to read:

2 **SENATE RULE 13n. Imposing penalties on senators who are absent**
3 **without leave.** (1) **PENALTY.** A member of the senate who is absent from 2 or more
4 session days without obtaining a leave of absence under rule 16 shall do all of the
5 following:

6 (a) Forfeit to the senate \$100 for each day that the member is absent without
7 leave.

8 (b) Reimburse to the senate the actual costs incurred in compelling the
9 attendance of the member. The chief clerk shall calculate the costs and submit the
10 result to the president.

11 (2) **PROCESS.** (a) The penalties and costs under sub. (1) are imposed by a senate
12 resolution that identifies the member who is absent without leave. A resolution
13 under this paragraph is a privileged resolution and may be offered by any member
14 of the senate at any time during the legislative session in which the absence without
15 leave occurs.

16 (b) Publication of a senate calendar that includes the resolution serves as notice
17 to the member who is absent without leave that the member is subject to the
18 penalties and costs under sub. (1). The president may provide additional notice to
19 the member who is absent without leave by requiring the sergeant at arms to deliver
20 a copy of both the calendar and the resolution to the senate office of the member who
21 is absent without leave.

22 (c) A member of the senate who is identified in a resolution under this
23 subsection shall be given an opportunity to be heard on the resolution only on the
24 session day on which the resolution is before the senate. If the member is absent on
25 that day, the member waives his or her opportunity to be heard on the resolution.

AND COMPULSION CS

(a) ✓

1

(3) COLLECTION If a member who owes the penalties and costs imposed under

2

subs. (1) and (2) has not paid those amounts in full within 30 days after the day on

3

which a resolution under sub. (2) is adopted, the chief clerk shall withhold any

4

payments due to the member for per diem, travel expenses, or other matters, not

5

including salary, in an amount equal to the unpaid penalties and costs.

6

SECTION 2. Senate rule 84 is amended to read:

7

SENATE RULE 84. **Sergeant to bring in absentees.** The chief clerk shall

8

immediately call the roll of the members, and note the absentees, whose names shall

9

be read, and entered upon the journal in such manner as to show who are absent with

10

leave and who are absent without leave. The chief clerk shall furnish the sergeant

11

at arms with a list of those who are absent without leave, and the sergeant at arms

12

shall forthwith proceed to find and bring in such absentees. In exercising his or her

13

responsibilities under this rule, the sergeant at arms may request the assistance of

14

any law enforcement officer in this state.

15

(END)

✓
INSERT
3-5

2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1487/P2ins
JK:jld:ph

Insert 3 - 5

*

(b) When a member of the senate is absent without leave from ^{g2}(two) or more session days, the senate majority leader may do any of the following to compel the absent member to attend: ✓

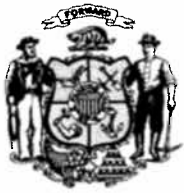
1. Direct the chief clerk to terminate the direct deposit of the absent member's paycheck and provide the paycheck to the majority leader for the absent member to pick up in person. ✓

2. Direct the chief clerk to cease any and all expense reimbursements for the absent member that are paid out the member's office expense account until a date specified or the end of the legislative biennium, whichever is earlier. ✓

3. Direct the chief clerk to reduce or zero out the balance of the absent member's office expense account for the remainder of the legislative biennium. ✓

4. Direct the sergeant at arms to revoke the parking privileges allocated to the absent member, and the member's staff, for the remainder of the legislative biennium. ✓

(end ins)



RB
RML

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
2011 SENATE RESOLUTION

in 2-22-11
NOW

Regen

1 **To amend** senate rule 84; and **to create** senate rule 13n; **relating to:** imposing a
2 penalty on a senator who is absent without leave.

Analysis by the Legislative Reference Bureau

Under this resolution, a senator who is absent without leave from two or more session days is subject to a penalty equal to \$100 for each day that the senator is absent without leave. In addition, the senator must reimburse the senate for the actual costs incurred to compel his or her attendance. The penalties and costs are imposed by adopting a privileged resolution that identifies the senator who has been absent without leave. A senator who is subject to the penalties and costs imposed by the resolution may only be heard on the matter on the session day on which the resolution is before the senate. If a senator who owes the penalties and costs has not paid the penalties and costs in full within 30 days after the resolution is adopted, the chief clerk will withhold from any payments due to the senator for per diem, travel expenses, or other matters, not including salary, the amount of any unpaid penalties and costs. The senate majority leader may also take certain measures to compel the attendance of any senator who is absent without leave.

The resolution also allows the sergeant at arms to request the assistance of any law enforcement officer in this state to find and return any senator who is absent without leave.

3 ***Resolved by the senate, That:***

SECTION 1. Senate rule 13n is created to read:

SENATE RULE 13n. **Imposing penalties on senators who are absent without leave.** (1) PENALTY. A member of the senate who is absent from 2 or more session days without obtaining a leave of absence under rule 16 shall do all of the following:

(a) Forfeit to the senate \$100 for each day that the member is absent without leave. *Amounts under this paragraph shall be paid exclusively from the member's personal funds*

(b) Reimburse to the senate the actual costs incurred in compelling the attendance of the member. The chief clerk shall calculate the costs and submit the result to the president. *Amounts under this paragraph shall be paid exclusively from the member's personal funds*

(2) PROCESS. (a) The penalties and costs under sub. (1) are imposed by a senate resolution that identifies the member who is absent without leave. A resolution under this paragraph is a privileged resolution and may be offered by any member of the senate at any time during the legislative session in which the absence without leave occurs.

(b) Publication of a senate calendar that includes the resolution serves as notice to the member who is absent without leave that the member is subject to the penalties and costs under sub. (1). The president may provide additional notice to the member who is absent without leave by requiring the sergeant at arms to deliver a copy of both the calendar and the resolution to the senate office of the member who is absent without leave.

(c) A member of the senate who is identified in a resolution under this subsection shall be given an opportunity to be heard on the resolution only on the session day on which the resolution is before the senate. If the member is absent on that day, the member waives his or her opportunity to be heard on the resolution.

1 (3) COLLECTION AND COMPULSION. (a) If a member who owes the penalties and
2 costs imposed under subs. (1) and (2) has not paid those amounts in full within 30
3 days after the day on which a resolution under sub. (2) is adopted, the chief clerk shall
4 withhold any payments due to the member for per diem, travel expenses, or other
5 matters, not including salary, in an amount equal to the unpaid penalties and costs.

6 (b) When a member of the senate is absent without leave from 2 or more session
7 days, the senate majority leader may do any of the following to compel the absent
8 member to attend:

9 1. Direct the chief clerk to terminate the direct deposit of the absent member's
10 paycheck and provide the paycheck to the majority leader for the absent member to
11 pick up in person.

12 2. Direct the chief clerk to cease any and all expense reimbursements for the
13 absent member that are paid out the member's office expense account until a date
14 specified or the end of the legislative biennium, whichever is earlier.

15 3. Direct the chief clerk to reduce or zero out the balance of the absent member's
16 office expense account for the remainder of the legislative biennium.

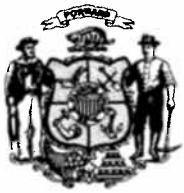
17 4. Direct the sergeant at arms to revoke the parking privileges allocated to the
18 absent member, and the member's staff, for the remainder of the legislative
19 biennium.

20 **SECTION 2.** Senate rule 84 is amended to read:

21 **SENATE RULE 84. Sergeant to bring in absentees.** The chief clerk shall
22 immediately call the roll of the members, and note the absentees, whose names shall
23 be read, and entered upon the journal in such manner as to show who are absent with
24 leave and who are absent without leave. The chief clerk shall furnish the sergeant
25 at arms with a list of those who are absent without leave, and the sergeant at arms

1 shall forthwith proceed to find and bring in such absentees. In exercising his or her
2 responsibilities under this rule, the sergeant at arms may request the assistance of
3 any law enforcement officer in this state.

4 (END)



1
RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

2011 SENATE RESOLUTION

in 2-22-11
NOW

Regen

1 **To amend** senate rule 84; and **to create** senate rule 13n; **relating to:** imposing a
2 penalty on a senator who is absent without leave.

Analysis by the Legislative Reference Bureau

Under this resolution, a senator who is absent without leave from two or more session days is subject to a penalty equal to \$100 for each day that the senator is absent without leave. In addition, the senator must reimburse the senate for the actual costs incurred to compel his or her attendance. The penalties and costs are imposed by adopting a privileged resolution that identifies the senator who has been absent without leave. A senator who is subject to the penalties and costs imposed by the resolution may only be heard on the matter on the session day on which the resolution is before the senate. If a senator who owes the penalties and costs has not paid the penalties and costs in full within 30 days after the resolution is adopted, the chief clerk will withhold from any payments due to the senator for per diem, travel expenses, or other matters, not including salary, the amount of any unpaid penalties and costs. The senate majority leader may also take certain measures to compel the attendance of any senator who is absent without leave.

The resolution also allows the sergeant at arms to request the assistance of any law enforcement officer in this state to find and return any senator who is absent without leave.

3 **Resolved by the senate, That:**

1 **SECTION 1.** Senate rule 13n is created to read:

2 **SENATE RULE 13n. Imposing penalties on senators who are absent**
3 **without leave.** (1) **PENALTY.** A member of the senate who is absent from 2 or more
4 session days without obtaining a leave of absence under rule 16 shall do all of the
5 following:

6 (a) Forfeit to the senate \$100 for each day that the member is absent without
7 leave. Amounts under this paragraph shall be paid exclusively from the member's
8 personal funds.

9 (b) Reimburse to the senate the actual costs incurred in compelling the
10 attendance of the member. The chief clerk shall calculate the costs and submit the
11 result to the president. Amounts under this paragraph shall be paid exclusively from
12 the member's personal funds.

13 (2) **PROCESS.** (a) The penalties and costs under sub. (1) are imposed by a senate
14 resolution that identifies the member who is absent without leave. A resolution
15 under this paragraph is a privileged resolution and may be offered by any member
16 of the senate at any time during the legislative session in which the absence without
17 leave occurs.

18 (b) Publication of a senate calendar that includes the resolution serves as notice
19 to the member who is absent without leave that the member is subject to the
20 penalties and costs under sub. (1). The president may provide additional notice to
21 the member who is absent without leave by requiring the sergeant at arms to deliver
22 a copy of both the calendar and the resolution to the senate office of the member who
23 is absent without leave.

24 (c) A member of the senate who is identified in a resolution under this
25 subsection shall be given an opportunity to be heard on the resolution only on the

1 session day on which the resolution is before the senate. If the member is absent on
2 that day, the member waives his or her opportunity to be heard on the resolution.

3 (3) COLLECTION AND COMPULSION. (a) If a member who owes the penalties and
4 costs imposed under subs. (1) and (2) has not paid those amounts in full within 30
5 days after the day on which a resolution under sub. (2) is adopted, the chief clerk shall
6 withhold any payments due to the member for per diem, travel expenses, or other
7 matters, not including salary, in an amount equal to the unpaid penalties and costs.

8 (b) When a member of the senate is absent without leave from 2 or more session
9 days, the senate majority leader may do any of the following to compel the absent
10 member to attend:

11 1. Direct the chief clerk to terminate the direct deposit of the absent member's
12 paycheck and provide the paycheck to the majority leader for the absent member to
13 pick up in person.

14 2. Direct the chief clerk to cease any and all expense reimbursements for the
15 absent member that are paid out the member's office expense account until a date
16 specified or the end of the legislative biennium, whichever is earlier.

17 3. Direct the chief clerk to reduce or zero out the balance of the absent member's
18 office expense account for the remainder of the legislative biennium.

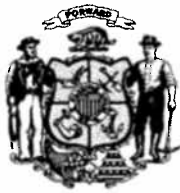
19 4. Direct the sergeant at arms to revoke the parking privileges allocated to the
20 absent member, and the member's staff, for the remainder of the legislative
21 biennium.

22 **SECTION 2.** Senate rule 84 is amended to read:

23 **SENATE RULE 84. Sergeant to bring in absentees.** The chief clerk shall
24 immediately call the roll of the members, and note the absentees, whose names shall
25 be read, and entered upon the journal in such manner as to show who are absent with

1 leave and who are absent without leave. The chief clerk shall furnish the sergeant
2 at arms with a list of those who are absent without leave, and the sergeant at arms
3 shall forthwith proceed to find and bring in such absentees. In exercising his or her
4 responsibilities under this rule, the sergeant at arms may request the assistance of
5 any law enforcement officer in this state.

6 (END)



RMR

gjs

2011 SENATE RESOLUTION

in 2-22-11

NOW

Gen Cost

1 **To amend** senate rule 84; and **to create** senate rule 13n; **relating to:** imposing a
2 penalty on a senator who is absent without leave.

Analysis by the Legislative Reference Bureau

Under this resolution, a senator who is absent without leave from two or more session days is subject to a penalty equal to \$100 for each day that the senator is absent without leave. In addition, the senator must reimburse the senate for the actual costs incurred to compel his or her attendance. The penalties and costs are imposed by adopting a privileged resolution that identifies the senator who has been absent without leave. A senator who is subject to the penalties and costs imposed by the resolution may only be heard on the matter on the session day on which the resolution is before the senate. If a senator who owes the penalties and costs has not paid the penalties and costs in full within 30 days after the resolution is adopted, the chief clerk will withhold from any payments due to the senator for per diem, travel expenses, or other matters, not including salary, the amount of any unpaid penalties and costs. The senate majority leader may also take certain measures to compel the attendance of any senator who is absent without leave.

The resolution also allows the sergeant at arms to request the assistance of any law enforcement officer in this state to find and return any senator who is absent without leave.

3 **Resolved by the senate, That:**

4 **SECTION 1.** Senate rule 13n is created to read:

Legislation
1 **SENATE RULE 13n. Imposing penalties on senators who are absent**

2 **without leave.** (1) PENALTY. A member of the senate who is absent from 2 or more
3 session days without obtaining a leave of absence under rule 16 shall do all of the
4 following:

5 (a) Forfeit to the senate \$100 for each day that the member is absent without
6 leave. Amounts under this paragraph shall be paid exclusively from the member's
7 personal funds.

8 (b) Reimburse to the senate the actual costs incurred in compelling the
9 attendance of the member. The chief clerk shall calculate the costs and submit the
10 result to the president. Amounts under this paragraph shall be paid exclusively from
11 the member's personal funds.

12 (2) PROCESS. (a) The penalties and costs under sub. (1) are imposed by a senate
13 resolution that identifies the member who is absent without leave. A resolution
14 under this paragraph is a privileged resolution and may be offered by any member
15 of the senate at any time during the legislative session in which the absence without
16 leave occurs.

17 (b) Publication of a senate calendar that includes the resolution serves as notice
18 to the member who is absent without leave that the member is subject to the
19 penalties and costs under sub. (1). The president may provide additional notice to
20 the member who is absent without leave by requiring the sergeant at arms to deliver
21 a copy of both the calendar and the resolution to the senate office of the member who
22 is absent without leave.

23 (c) A member of the senate who is identified in a resolution under this
24 subsection shall be given an opportunity to be heard on the resolution only on the

1 session day on which the resolution is before the senate. If the member is absent on
2 that day, the member waives his or her opportunity to be heard on the resolution.

3 (3) COLLECTION AND COMPULSION. (a) If a member who owes the penalties and
4 costs imposed under subs. (1) and (2) has not paid those amounts in full within 30
5 days after the day on which a resolution under sub. (2) is adopted, the chief clerk shall
6 withhold any payments due to the member for per diem, travel expenses, or other
7 matters, not including salary, in an amount equal to the unpaid penalties and costs.

8 (b) When a member of the senate is absent without leave from 2 or more session
9 days, the senate majority leader *with the consent of the committee on*
10 member to attend: *senate organizations*

11 1. Direct the chief clerk to terminate the direct deposit of the absent member's
12 paycheck and provide the paycheck to the majority leader for the absent member to
13 pick up in person.

14 2. Direct the chief clerk to cease any and all expense reimbursements for the
15 absent member that are paid out the member's office expense account until a date
16 specified or the end of the legislative biennium, whichever is earlier.


17 3. Direct the chief clerk to reduce or zero out the balance of the absent member's
18 office expense account for the remainder of the legislative biennium.

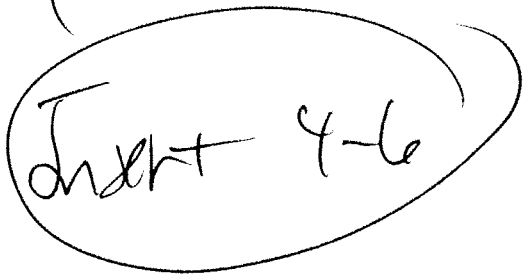
19 4. Direct the sergeant at arms to revoke the parking privileges allocated to the
20 absent member, and the member's staff, for the remainder of the legislative
21 biennium.

22 **SECTION 2.** Senate rule 84 is amended to read:

23 **SENATE RULE 84. Sergeant to bring in absentees.** The chief clerk shall
24 immediately call the roll of the members, and note the absentees, whose names shall
25 be read, and entered upon the journal in such manner as to show who are absent with

1 leave and who are absent without leave. The chief clerk shall furnish the sergeant
2 at arms with a list of those who are absent without leave, and the sergeant at arms
3 shall forthwith proceed to find and bring in such absentees. In exercising his or her
4 responsibilities under this rule, the sergeant at arms may request the assistance of
5 any law enforcement officer in this state.

6 



(END)

2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1487/2insRC
RAC:.....

1 **Insert 4-6:**

2 **SECTION 1. Initial applicability.**

3 (1) The treatment of senate rules 13n and 84 first applies to senators who are
4 absent 2 or more session days that occur on the day this resolution is adopted by the
5 senate.

Handwritten notes:
- A circled 'a' with an arrow pointing to 'are' in line 3.
- A circled 'is' with an arrow pointing to 'is' in line 4.
- A circled 'or after' with an arrow pointing to 'on the day' in line 4.



LRB-1487/3
JK:jld:md
Stamps

2011 SENATE RESOLUTION

Gen Cat

- 1 **To amend** senate rule 84; and **to create** senate rule 13n; **relating to:** imposing a
- 2 penalty on a senator who is absent without leave.

Analysis by the Legislative Reference Bureau

Under this resolution, a senator who is absent without leave from two or more session days is subject to a penalty equal to \$100 for each day that the senator is absent without leave. In addition, the senator must reimburse the senate for the actual costs incurred to compel his or her attendance. The penalties and costs are imposed by adopting a privileged resolution that identifies the senator who has been absent without leave. A senator who is subject to the penalties and costs imposed by the resolution may only be heard on the matter on the session day on which the resolution is before the senate. If a senator who owes the penalties and costs has not paid the penalties and costs in full within 30 days after the resolution is adopted, the chief clerk will withhold from any payments due to the senator for per diem, travel expenses, or other matters, not including salary, the amount of any unpaid penalties and costs. The senate majority leader may also take certain measures to compel the attendance of any senator who is absent without leave.

The resolution also allows the sergeant at arms to request the assistance of any law enforcement officer in this state to find and return any senator who is absent without leave.

3 **Resolved by the senate, That:**

4 **SECTION 1.** Senate rule 13n is created to read:

1 SENATE RULE 13n. **Imposing penalties on senators who are absent**
2 **without leave.** (1) PENALTY. A member of the senate who is absent from 2 or more
3 session days without obtaining a leave of absence under rule 16 shall do all of the
4 following:

5 (a) Forfeit to the senate \$100 for each day that the member is absent without
6 leave. Amounts under this paragraph shall be paid exclusively from the member's
7 personal funds.

8 (b) Reimburse to the senate the actual costs incurred in compelling the
9 attendance of the member. The chief clerk shall calculate the costs and submit the
10 result to the president. Amounts under this paragraph shall be paid exclusively from
11 the member's personal funds.

12 (2) PROCESS. (a) The penalties and costs under sub. (1) are imposed by a senate
13 resolution that identifies the member who is absent without leave. A resolution
14 under this paragraph is a privileged resolution and may be offered by any member
15 of the senate at any time during the legislative session in which the absence without
16 leave occurs.

17 (b) Publication of a senate calendar that includes the resolution serves as notice
18 to the member who is absent without leave that the member is subject to the
19 penalties and costs under sub. (1). The president may provide additional notice to
20 the member who is absent without leave by requiring the sergeant at arms to deliver
21 a copy of both the calendar and the resolution to the senate office of the member who
22 is absent without leave.

23 (c) A member of the senate who is identified in a resolution under this
24 subsection shall be given an opportunity to be heard on the resolution only on the

1 session day on which the resolution is before the senate. If the member is absent on
2 that day, the member waives his or her opportunity to be heard on the resolution.

3 (3) COLLECTION AND COMPULSION. (a) If a member who owes the penalties and
4 costs imposed under subs. (1) and (2) has not paid those amounts in full within 30
5 days after the day on which a resolution under sub. (2) is adopted, the chief clerk shall
6 withhold any payments due to the member for per diem, travel expenses, or other
7 matters, not including salary, in an amount equal to the unpaid penalties and costs.

8 (b) When a member of the senate is absent without leave from 2 or more session
9 days, the senate majority leader, with the consent of the committee on senate
10 organization, may do any of the following to compel the absent member to attend:

11 1. Direct the chief clerk to terminate the direct deposit of the absent member's
12 paycheck and provide the paycheck to the majority leader for the absent member to
13 pick up in person.

14 2. Direct the chief clerk to cease any and all expense reimbursements for the
15 absent member that are paid out of the member's office expense account until a date
16 specified or the end of the legislative biennium, whichever is earlier.

17 3. Direct the chief clerk to reduce or zero out the balance of the absent member's
18 office expense account for the remainder of the legislative biennium.

19 4. Direct the sergeant at arms to revoke the parking privileges allocated to the
20 absent member, and the member's staff, for the remainder of the legislative
21 biennium.

22 **SECTION 2.** Senate rule 84 is amended to read:

23 **SENATE RULE 84. Sergeant to bring in absentees.** The chief clerk shall
24 immediately call the roll of the members, and note the absentees, whose names shall
25 be read, and entered upon the journal in such manner as to show who are absent with

1 leave and who are absent without leave. The chief clerk shall furnish the sergeant
2 at arms with a list of those who are absent without leave, and the sergeant at arms
3 shall forthwith proceed to find and bring in such absentees. In exercising his or her
4 responsibilities under this rule, the sergeant at arms may request the assistance of
5 any law enforcement officer in this state.

6 **SECTION 3. Initial applicability.**

7 (1) The treatment of senate rules 13n and 84 first applies to a senator who is
8 absent 2 or more session days that occur on or after the day this resolution is adopted
9 by the senate.

10 (END)

Parisi, Lori

From: Richard, Rob
Sent: Tuesday, February 22, 2011 6:24 PM
To: LRB.Legal
Subject: Draft Review: LRB 11-1487/3 Topic: Penalties for senators who are absent without leave

Please Jacket LRB 11-1487/3 for the SENATE.